

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH A. BROWN,	:	
	:	
Plaintiff	:	CIVIL NO. 1:14-CV-01520
	:	
vs.	:	
	:	
C.O. KEMMERER, et al.,	:	(Judge Rambo)
	:	
Defendants	:	

MEMORANDUM

Background

An electronic search on PACER revealed that Plaintiff Brown falsely claimed that he did not previously file 3 or more cases that were dismissed for failure to state a claim upon which relief may be granted. Consequently, by memorandum and order of January 3, 2017, the court enumerated those strikes under the Prison Litigation Reform Act and Brown was directed to pay the balance of the full filing fee (\$340.53) and a \$50.00 administrative fee within thirty (30) days. The only reason the court gave Brown time to pay the filing fee was because the case had been pending since 2014. Furthermore, Brown was advised that if he failed to comply the Court would dismiss the amended complaint without prejudice pursuant to 28 U.S.C. §

1915(g) and the Clerk of Court directed to close the case. Although the time for complying with the order of January 3, 2017, has passed Brown has failed to pay the balance of the filing fee or the administrative fee. However, on January 25, 2017, Brown filed a motion for an extension of time of 30 days to pay the balance of the filing fee and the administrative fee. The deadline for doing so was February 3, 2017. As of this date Brown has not paid the filing fee although having additional time in which to do so. Under the circumstances we are not inclined to grant Brown's motion. Brown as noted falsely claimed he did not have three strikes. Brown was required to pay the full filing fee at the time he initiated this action. Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002); Brooks-Bey v. Schmerfelt, 2011 WL 1398472 (M.D.Pa. Mar. 21, 2011). Consequently, the court will deny the motion for

extension of time and dismiss the case without prejudice pursuant to 28 U.S.C. § 1915(g).

An appropriate order will be entered.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

February 16, 2017